

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

TRACI HOPKINS BARNETT
514 North Campus Blvd, # A
Upland, CA 91786

Registered Nurse License No. **646003**

Respondent

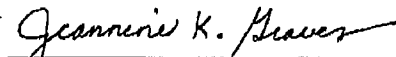
Case No. 2011-770

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **May 24, 2011.**

IT IS SO ORDERED **May 24, 2011.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

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12 In the Matter of the Accusation Against:

Case No. 2011-770

13 **TRACI HOPKINS BARNETT**
14 514 North Campus Blvd., #A
Upland, CA 91786

**STIPULATED SURRENDER
OF LICENSE AND ORDER**

15 **Registered Nurse License No. 646003**

16 Respondent.
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board
22 of Registered Nursing, Department of Consumer Affairs. She brings this action solely in her
23 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
24 State of California, by Armando Zambrano, Deputy Attorney General.

25 2. Traci Hopkins Barnett ("Respondent") is representing herself in this proceeding and
26 has chosen not to exercise her right to be represented by counsel.

27 3. On or about October 5, 2004, the Board of Registered Nursing ("Board") issued
28 Registered Nurse License No. 646003 to Respondent. The Registered Nurse License was in full

1 force and effect at all times relevant to the charges brought in the Accusation in case No. 2011-
2 770 and will expire on February 29, 2012, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 2011-770 was filed before the Board of Registered Nursing and is
5 currently pending against Respondent. The Accusation and all other statutorily required
6 documents were properly served on Respondent on March 15, 2011. A copy of the Accusation in
7 Case No. 2011-770 is attached as Exhibit "A" and incorporated herein by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read and fully understands the charges and allegations in
10 Accusation No. 2011-770. Respondent has carefully read and understands the effects of this
11 Stipulated Surrender of License and Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the right to a
13 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
14 her own expense; the right to confront and cross-examine the witnesses against her; the right to
15 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
16 compel the attendance of witnesses and the production of documents; the right to reconsideration
17 and court review of an adverse decision; and all other rights accorded by the California
18 Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
20 every right set forth above.

21 **CULPABILITY**

22 8. Respondent admits the truth of each and every charge and allegation in Accusation
23 No. 2010-770.

24 9. Respondent understands and agrees that the charges and allegations in Accusation
25 No. 2010-770, if proven at a hearing, constitute cause for the Board of Registered Nursing to
26 impose discipline upon her Registered Nurse License.

27 10. Respondent hereby agrees to surrender her Registered Nurse License No. 646003 for
28 the Board's formal acceptance.

1 11. Respondent understands that by signing this stipulation she enables the Board of
2 Registered Nursing to issue an order accepting the surrender of Registered Nurse License No.
3 646003 without further process or a hearing.

4 **CONTINGENCY**

5 12. This stipulation shall be subject to approval by the Board of Registered Nursing.
6 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
7 Registered Nursing may communicate directly with the Board regarding this stipulation and
8 settlement, without notice to or participation by Respondent. By signing the stipulation,
9 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
10 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
11 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be
12 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
13 between the parties, and the Board shall not be disqualified from further action by having
14 considered the matter.

15 13. This Stipulated Surrender of License and Order is intended by the parties to be an
16 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
17 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
18 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
19 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
20 executed by an authorized representative of each of the parties.

21 14. The parties understand and agree that facsimile copies of this Stipulated Surrender of
22 License and Order, including facsimile signatures thereto, shall have the same force and effect as
23 the originals.

24 15. In consideration of the foregoing admissions and stipulations, the parties agree that
25 the Board may, without further notice or formal proceeding, issue and enter the following Order:-

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27 //

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ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 646003 issued to Respondent Traci Hopkins Barnett, is surrendered and accepted by the Board of Registered Nursing.

16. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

17. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

18. Respondent shall cause to be delivered to the Board both her wall license certificate and, if one was issued, pocket license on or before the effective date of the Decision and Order.

19. If Respondent subsequently files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in the Accusation in Case No. 2011-770, shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

20. Upon reinstatement of the license, Respondent shall pay to the Board the reasonable costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in an amount to be determined. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

21. Respondent shall not apply for licensure or petition for reinstatement for one (1) year from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License No. 646003. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED:

3/16/2011



TRACI HOPKINS BARNETT
Respondent

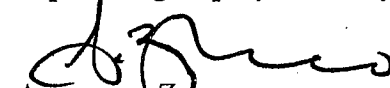
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

Dated: March 16, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General



ARMANDO ZAMBRANO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation Case No. 2011-770

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2011-770

11 **TRACI HOPKINS BARNETT**
12 **514 North Campus Blvd., #A**
13 **Upland, CA 91786**
Registered Nurse License No. 646003

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about October 5, 2004, the Board issued Registered Nurse License Number
22 646003 to Traci Hopkins Barnett ("Respondent"). The Registered Nurse License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on February 29,
24 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
28 indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

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1 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
7 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
8 or the possession of, or falsification of a record pertaining to, the substances described in
9 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
10 thereof.

11 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
12 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
13 section, in which event the court order of commitment or confinement is prima facie evidence of
14 such commitment or confinement.

15 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
16 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
17 section."

18 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
19 revoke a license on the ground that the licensee has been convicted of a crime substantially
20 related to the qualifications, functions, or duties of the business or profession for which the
21 license was issued.

22 9. California Code of Regulations, title 16, section 1442, states:

23 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
24 the standard of care which, under similar circumstances, would have ordinarily been exercised by
25 a competent registered nurse. Such an extreme departure means the repeated failure to provide
26 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
27 situation which the nurse knew, or should have known, could have jeopardized the client's health
28 or life."

1 10. California Code of Regulations, title 16, section 1444, states:

2 "A conviction or act shall be considered to be substantially related to the qualifications,
3 functions or duties of a registered nurse if to a substantial degree it evidences the present or
4 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
5 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

6 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
7 subdivision (d) of Penal Code Section 11160.

8 "(b) Failure to comply with any mandatory reporting requirements.

9 "(c) Theft, dishonesty, fraud, or deceit.

10 "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
11 Penal Code."

12 COST RECOVERY PROVISION

13 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 DRUG DEFINITIONS

18 12. **Fentanyl** is an opioid agonist used for pain management, anesthesia adjunct and
19 analgesia preop. It is a Schedule II Controlled Substance pursuant to Health and Safety Code
20 section 11055(c)(8), and is a dangerous drug pursuant to Business and Professions Code section
21 4022.

22 13. **Meprobamate** is the generic name for a medication sold under the brand names
23 Equanil and Miltown. Meprobamate affects chemicals in the brain which cause imbalance and
24 anxiety. Meprobamate is used to relieve anxiety, nervousness, and tension associated with
25 anxiety disorders. It is a Schedule IV Controlled Substance pursuant to Health and Safety Code
26 section 11057(d)(18), and is a dangerous drug pursuant to Business and Professions Code section
27 4022.

28 ///

1 14. **Stadol** is a brand name for the generic drug Butorphanol. It is a group of drugs called
2 narcotic pain relievers, and is similar to morphine. Butorphanol is used to treat moderate to
3 severe pain. It is also used as part of anesthesia for surgery, or during early labor (if childbirth is
4 expected to be more than 4 hours away). It is a Schedule IV Controlled Substance pursuant to
5 Health and Safety Code section 11057(c)(3), and is a dangerous drug pursuant to Business and
6 Professions Code section 4022.

7 15. **Soma**, a brand name for Carisoprodol, is a dangerous drug according to Business and
8 Professions Code section 4022. Its indicated use is as an adjunct to rest, physical therapy and
9 other measures for acute painful musculoskeletal conditions.

10 16. **Ambien**, a generic name for Zolpidem Tartrate, a nonbarbiturate hypnotic, is a
11 Schedule IV controlled substance as designated by Health and Safety Code section 11057,
12 subdivision (d)(32), and is categorized as a dangerous drug pursuant to Business and Professions
13 Code section 4022.

14 **BAKERSFIELD MEMORIAL HOSPITAL**

15 17. From about May 7, 2007 to February 2010, Respondent was employed as a traveler
16 registered nurse in the Labor and Delivery Unit at Bakersfield Memorial Hospital ("BMH")
17 through Flexcare Medical Staffing.

18 18. At all times relevant to the charges herein, BMH used a drug dispensing system
19 called the "Pyxis System". The Pyxis is a computerized automated medication dispensing
20 machine. The user enters a password to gain access and dispense medication from the machine.
21 The machine records the user name, patient name, medication, dose, date and time of the
22 withdrawal. The Pyxis is integrated with hospital pharmacy inventory management systems.

23 19. At all times relevant to the charges herein, BMH used the NaviCare®
24 WatchChild® Solution software program ("Watchchild") in the Labor/Delivery Unit. Watchchild
25 is a fetal/maternal surveillance and clinical documentation software system designed to
26 comprehensively manage medical data needs throughout the obstetrical care cycle. It enables
27 clinicians to be alerted to any abnormal fetal/maternal vital signs, view and annotate fetal tracing
28 strips, chart Joint Commission compliant assessments and notes, view lab results, communicate

1 inbound/outbound with pharmacy, inbound with admissions, document operating room and
2 anesthesia records, as well as create a patient status communication hand off report, at each
3 change of shift.

4 20. On or about February 26, 2010, Respondent was on-call but failed to report to work.
5 BMH contacted Respondent's roommate who found Respondent unconscious in her room.
6 Respondent admitted she took ten (10) tablets of Soma. Respondent's roommate transported her
7 to the BMH emergency department where Respondent was tested positive for Meprobamate.
8 Respondent was evaluated by the Kern County Mobile Evaluation Team and released a few hours
9 later to be transferred to a rehabilitation facility. After being discharged and enroute to
10 rehabilitation, Respondent overdosed on Soma again and was returned to the emergency
11 department at BMH on February 27, 2010. Respondent was tested to have overdosed on Stadol
12 and Soma. Three (3) empty vials of Stadol, three (3) bottles of 2 mg Butorphanol, Soma,
13 Ambien, Lunesta and other medications were found in Respondent's possession that day. Two
14 days later, on or about March 1, 2010, Respondent's roommate found additional Fentanyl
15 ampoules, needles, empty Stadol vials, Soma pills, Benadryl, and sixteen (16) empty wine bottles
16 in Respondent's room.

17 21. On or about June 24, 2010, Respondent entered Hearthstone, a rehabilitation facility,
18 under a one-year plan. On or about September 1, 2010, while at Hearthstone, Respondent
19 overdosed on Soma which she obtained from another resident and was transported to the
20 emergency department.

21 22. On or about September 15, 2010, during an interview with the Board investigator,
22 Respondent admitted she was addicted to Ambien, Soma and alcohol since about May 2008.
23 Respondent admitted that she was taken to Mercy Hospital in about October 2008 for an
24 accidental overdose of alcohol and drugs; that she was suicidal on February 26, 2010 when she
25 overdosed on Soma; and that she had another suicide attempt in about June 2010 after she had
26 taken Vicodin, morphine and other medications left over at a friend's house. She further admitted
27 that during her employment at BMH from about December 2009 to January 2010, she diverted
28

1 Stadol and Fentanyl by administering a lesser amount prescribed for the patients, and kept the
2 unused portion instead of wasting it.

3 23. A review of the medical records at BMH between the periods of August 2009 to
4 February 2010 revealed the following medication and documentation discrepancies:

- 5 a. Patient #1. On September 10, 2009 Respondent removed 2 mg of Stadol from Pyxis at
6 2006 and 2358 hours. On September 11, 2009, Respondent removed 2 mg of Stadol
7 from Pyxis at 0144 hours. She documented administration of all 6 mg of Stadol in
8 Watchchild; but only documented one administration on the MAR at 2000 hours on
9 September 10, 2009.
- 10 b. Patient #2. On September 14, 2009, Respondent removed 2 mg of Stadol from Pyxis at
11 2012 and 2229 hours. She documented administration of 2 mg of Stadol at 2030 hours
12 in Watchchild, and 2 mg of Stadol at 2200 hours on the MAR. Another nurse also
13 recorded an administration of 2 mg of Stadol at 2000 hours on the MAR. Respondent
14 did not document a pain scale.
- 15 c. Patient #4¹. On January 2, 2010, Respondent removed 2 mg of Stadol from Pyxis at
16 1150 hours. This patient had received a labor epidural at 0900 hours. Respondent
17 documented administration of 2 mg of Stadol at 1130 hours in Watchchild; and 2 mg of
18 Stadol at 1140 hours on the MAR. Respondent did not document a pain scale.
- 19 d. Patient #5. On or about January 20, 2010, Respondent removed 100 mcg of Fentanyl
20 from Pyxis at 2037, 2140 and 2245 hours. Respondent documented the administration
21 of 100 mcg of Fentanyl at 2000, 2140, and 2230 hours on the MAR; and 100 mcg of
22 Fentanyl at 2000 and 2115 hours in Watchchild. An anesthesiologist removed 100 mcg
23 of Fentanyl at 2244 hours. Respondent admitted she kept and consumed the additional
24 100 mcg Fentanyl that was not used. Epidural was administered to this patient at about
25 2243 hours and completed at 2300 hours.

26
27
28 ¹ Patient #3 intentionally left out.

- 1 e. Patient #6. On or about January 29, 2010, Respondent removed Stadol 2 mg from Pyxis
2 at 0242 hours. At 0219 hours, patient was admitted in active labor with imminent
3 delivery at 9.5 cm. Respondent did not document a pain scale.
- 4 f. Patient #7. On or about September 27, 2009, Respondent removed Stadol 2 mg from
5 Pyxis at 0219, 0433 and 0626 hours. Respondent documented the administration of
6 Stadol 2 mg at 0245 hours on the MAR; and Stadol 2 mg at 0220, 0430 and 0615 hours
7 in Watchchild. Respondent did not document a pain scale.
- 8 g. Patient #8. On or about January 2, 2010, Respondent removed Stadol 2 mg from Pyxis
9 at 1150 hours. Respondent did not document any administration or wastage of Stadol
10 on either the MAR or Watchchild.
- 11 h. Patient #9. On or about October 7, 2009, Respondent removed Stadol 2 mg from Pyxis
12 at 1925 hours. Respondent did not document any administration or wastage of Stadol
13 on either the MAR or Watchchild. Respondent documented that the patient denied any
14 pain at 1930 hours.
- 15 i. Patient #10. On or about February 20, 2010, Respondent removed Stadol 2 mg from
16 Pyxis at 2130 and 2259 hours. Respondent documented the administration of Stadol 2
17 mg at 2120 and 2300 hours on the MAR; and Stadol 2 mg at 2120 and 2300 hours in
18 Watchchild. On or about February 21, 2010, Respondent removed Stadol 2 mg from
19 Pyxis at 0139 hours. Respondent did not document any administration or wastage of
20 Stadol on the MAR, but documented the administration of Stadol 2 mg at 0145 hours in
21 Watchchild. Respondent did not document a pain scale. The patient delivered on
22 February 21, 2010 at 0216 hours.
- 23 j. Patient #11. On or about February 13, 2010, Respondent removed Stadol 2 mg from
24 Pyxis at 0359 and 0525 hours. Respondent documented the administration of Stadol 2
25 mg at 0345 and 0520 hours on the MAR; and Stadol 2 mg at 0345 and 0520 hours in
26 Watchchild. Respondent did not document a pain scale.
- 27 k. Patient #12. On or about August 18, 2009, Respondent removed Stadol 2 mg from
28 Pyxis at 2109 and 2249 hours. Respondent documented the administration of Stadol 2

mg at 2200 and 0000 hours on the MAR; and documented the administration of Stadol 2 mg at 2130 and 2330 hours in Watchchild. On or about August 19, 2009, Respondent removed Stadol 2 mg from Pyxis at 0124 hours. Respondent documented the administration of Stadol 2mg at 0123 hours on the MAR, but did not document any administration or wastage in Watchchild. Respondent did not document a pain scale.

l. Patient #13. On or about November 13, 2009, Respondent removed Stadol 2 mg from Pyxis at 2328 hours. Respondent documented the administration of Stadol 2 mg at 2330 on the MAR; and documented the administration of Stadol 2 mg at 2330 in Watchchild. On or about November 14, 2009, Respondent removed Stadol 2 mg from Pyxis at 2247 hours. Respondent documented the administration of Stadol 2 mg at 2300 on the MAR; and documented the administration of Stadol 2 mg at 2300 in Watchchild. On or about November 15, 2009, Respondent removed Stadol 2 mg from Pyxis at 0058 and 0326 hours. Respondent documented the administration of Stadol 2 mg at 0130 and 0315 hours on the MAR; and documented the administration of Stadol 2 mg at 0130 and 0315 hours in Watchchild. Respondent did not document a pain scale.

m. Patient #14. On or about December 20, 2009, Respondent removed Stadol 2 mg from Pyxis at 0428 and 0620 hours. Respondent documented the administration of Stadol 2 mg at 0445 and 0630 hours on the MAR; and documented the administration of Stadol 2 mg at 0445 and 0626 hours in Watchchild. Respondent did not document a pain scale.

n. Patient #15. On or about September 18, 2009, Respondent removed Stadol 2 mg from Pyxis at 1940 and 2244 hours. Respondent documented the administration of Stadol 2 mg at 2010 hours on the MAR, then crossed out as an error. Respondent did not document the administration or wastage in Watchchild. On or about September 19, 2009, Respondent removed Stadol 2 mg from Pyxis at 2039 hours. Respondent did not document the administration or wastage in either the MAR or Watchchild. Respondent did not document a pain scale.

1 o. Patient #16. On or about October 21, 2009, Respondent removed Stadol 2 mg from
2 Pyxis at 2347 hours. On or about October 22, 2009, Respondent removed Stadol 2 mg
3 from Pyxis at 0205 and 0327 hours. On or about October 22, 2009, Respondent
4 documented the administration of Stadol 2 mg at 0000, 0200 and 0330 hours on the
5 MAR; and documented the administration of Stadol 2 mg at 0000, 0200 and 0332 hours
6 in Watchchild. Respondent did not document a pain scale.

7 p. Based on the documentation discrepancy, a total of at least 10 mg of Stadol and 100
8 mcg of Fentanyl were unaccounted for. Respondent did not document pain scales for
9 eleven (11) patients before the administration of Stadol.

10 24. BMH's policies effective at the time mandate the following, among others:

- 11 a. the administration of medications within 30 minutes of scheduled time;
12 b. the charting of all medications administered on the Medication Administration Record
13 ("MAR") and Watchchild;
14 c. medications removed from Pyxis must be used at time of removal or discarded per
15 policy;
16 d. the documentation of the patient's pain level, using a scale of 1-10, prior to medication
17 administration;

18 e. medication must be removed just prior to administration, allowing only enough time
19 reasonably necessary for preparation and transportation of the medication to the
20 bedside.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct: Gross Negligence)**

23 25. Respondent is subject to disciplinary action under Code section 2761, subdivision
24 (a)(1), as defined under California Code of Regulations, title 16, section 1442 for unprofessional
25 conduct, in that while employed as a registered nurse at BMH from August 2009 to February
26 2010, Respondent was grossly negligent in her handling of Fentanyl and Stadol for Patients 1 -
27 16. The circumstances are as stated below and in paragraphs 17 - 24. Complainant refers to and
28 incorporates all the allegations contained in paragraphs 17 - 24, as though set forth fully.

- 1 a. Respondent admitted that during her employment at BMH, she diverted Stadol and
2 Fentanyl by administering a lesser amount prescribed for the patients, and kept the
3 unused portion instead of wasting it;
- 4 b. Respondent failed to administer Stadol within the scheduled time after removal;
- 5 c. Respondent failed to document pain scales prior to medication administration;
- 6 d. Respondent failed to record the administration of Stadol on both the MAR and
7 Watchchild;
- 8 e. Respondent documented the administration of medication prior to removal from Pyxis;
- 9 f. Respondent failed to waste unused medication per protocol.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Falsify/Make Grossly Incorrect or Inconsistent Entries)**

12 26. Respondent is subject to disciplinary action under Code section 2762, subdivision (e)
13 for unprofessional conduct, in that from about August 2009 to February 2010, Respondent
14 falsified, or made grossly incorrect or inconsistent entries in Patients 1 – 16's records.
15 Complainant refers to and incorporates all the allegations contained in paragraphs 17 – 25, as
16 though set forth fully.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Illegal Possession of Drugs)**

19 27. Respondent is subject to disciplinary action under Code section 2762, subdivision (a)
20 for unprofessional conduct, in that Respondent obtained or possessed controlled substance or
21 dangerous drug in violation of law. The circumstances are as stated below and in paragraphs 17
22 – 24. Complainant refers to and incorporates all the allegations contained in paragraphs 17 – 24,
23 as though set forth fully.

- 24 a. Respondent admitted that during her employment at BMH, she diverted Stadol and
25 Fentanyl by administering a lesser amount prescribed for the patients, and kept the
26 unused portion instead of wasting it;
- 27 b. Respondent admitted that in or about June 2010, she took Vicodin, morphine and other
28 medications left over at a friend's house;

1 c. Respondent admitted that on or about September 1, 2010, while at Hearthstone, she
2 overdosed on Soma which she obtained from another resident.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Substantially-Related Conviction)**

5 28. Respondent is subject to disciplinary action under Code sections 2761, subdivision
6 (f), and 490, in conjunction with California Code of Regulations, title 16, section 1444, in that
7 Respondent was convicted of a crime substantially related to the qualifications, functions, and
8 duties of a registered nurse. The circumstances are as follows:

9 29. On or about August 13, 2010, pursuant to a plea of nolo contendere, Respondent was
10 convicted of one felony count of violating Vehicle Code section 23153, subdivision (a) [driving
11 under the combined influence of alcohol/drugs causing bodily injury] in the criminal proceeding
12 entitled *The People of the State of California v. Traci Hopkins Barnett* (Super. Ct. Kern County,
13 2010, No. BF120600A). The Court sentenced Respondent to 90 days in the custody of Kern
14 County Sheriff, and placed her on formal probation for three years, with terms and conditions.
15 The circumstances surrounding the conviction are that on or about December 20, 2009, after
16 having taken Ambien and consumed half a bottle of wine, Respondent drove her vehicle and
17 caused a collision, injuring the driver in the other vehicle.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Conviction Involving the Consumption of Alcohol/Drugs)**

20 30. Respondent is subject to disciplinary action under Code section 2762, subdivision (c),
21 in that on or about August 13, 2010, Respondent was convicted of a crime involving the
22 consumption of alcohol and drugs. Complainant refers to, and by this reference incorporates, the
23 allegations set forth above in paragraphs 28 - 29, as though set forth fully.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Confinement for Intemperate Use of Alcohol/Drugs)**

26 31. Respondent is subject to disciplinary action under Code section 2762, subdivision (d),
27 in that on or about August 13, 2010, Respondent was committed or confined by the court for her
28 intemperate use of or addiction to alcohol and/or drugs. Complainant refers to, and by this

1 reference incorporates, the allegations set forth above in paragraphs 28 - 29, as though set forth
2 fully.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcohol and Drugs)**

5 32. Respondent is subject to disciplinary action under Code section 2762, subdivision (b),
6 in that Respondent used alcoholic beverages, controlled substances and/or dangerous drugs to an
7 extent or in a manner dangerous or injurious to herself, any other person, or the public, or to the
8 extent that her use impaired her ability to conduct with safety to the public. Complainant refers
9 to, and by this reference incorporates, the allegations set forth above in paragraphs 17 - 29, as
10 though set forth fully.

11 **DISCIPLINARY CONSIDERATIONS**

12 33. To determine the degree of discipline, if any, to be imposed on Respondent,
13 Complainant alleges that on or about July 16, 2010, Respondent was terminated from the Board's
14 Diversion Program as a public safety risk for non-compliance with the Program's mandates.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number 646003, issued to Traci
19 Hopkins Barnett;

20 2. Ordering Traci Hopkins Barnett to pay the Board of Registered Nursing the
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
22 Professions Code section 125.3;

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 3/15/11

25 *Louise R. Bailey*
LOUISE R. BAILEY, M.ED., RN
26 Executive Officer
27 Board of Registered Nursing
Department of Consumer Affairs
State of California
28 Complainant

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